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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
Appl. No. : 09/821,423 ) Confirmation No.  
Applicant : Parish et al. ) 3661  
Filed : March 28, 2001 )  
TC/A.U. : Art Unit: 2178 )  
Examiner : Schlaifer, J. )  
Attorney )  
Docket No. : PALM-3575.PSI )  
Customer No.: )  
 )  
For: AN IMPROVED METHOD AND )  
APPARATUS FOR THE )  
SELECTION OF RECORDS )  
 )

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENTS AND RESPONSES TO OFFICE ACTION

Dear Sir:

In response to the Office Action mailed June 18, 2004,  
Applicants respectfully submit the following responses to the  
above captioned patent application, as follows:

**Amendments to the Claims** are reflected in the listing of  
claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 12 of this paper.

Re-consideration of the above captioned patent application is  
respectfully requested.

PALM-3575.PSI/ACM/LCH  
Examiner: Schlaifer, J.

1 Serial No.: 09/821,423  
Group Art Unit: 2178

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on the below date of deposit.			
Date of Deposit:	09/20/04	Name of Person Making the Deposit:	KATHERINE RINALDI
		Signature of the Person Making the Deposit:	<i>Katherine Rinaldi</i>

In re Application of: Jeff Parrish and E. Michael Lunsford

Application No.: 09/821,423

Examiner: SCHLAIFER, J.

Filed: 03/28/01

Art Unit: 2178

Confirmation No.: 3661

For: AN IMPROVED METHOD AND APPARATUS FOR THE SELECTION OF RECORDS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application

☒ Transmitted herewith is a response to an office action for the above identified patent application.  
( 21 sheets)  
Transmitted herewith are sheets of substitute formal drawings.  
Other:

2. Applicant is other than a small entity

**Extension of Term**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(a) [ ] Applicant petitions for an extension of time under 37 C.F.R. 1.136  
(fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

<u>Extension</u>	<u>Fee</u>
[ ] one month	\$110.00
[ ] two months	\$420.00
[ ] three months	\$950.00
[ ] four months	\$1,480.00

**Fee \$** \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(b) [X] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### Fee Calculation

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(for other than a small entity)					
Fee Items	Claims Remaining After Amendment	Highest Number of Claims Previously Paid For	Present Extra Claims	Fee Rate	Total
Total Claims	28	- 28 =	0	x \$18.00	\$0.00
Independent Claims	3	- 3 =	0	x \$86.00	\$0.00
Multiple Dependent Claim Fee (one or more, first added by this amendment)				\$290.00	\$0.00
<b>Total Fees</b>					<b>\$0.00</b>

### PAYMENT OF FEES

5. The full fee due in connection with this communication is provided as follows:
- [ x ] The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.  
A duplicate copy of this authorization is enclosed.
- [ ] A check in the amount of \$
- [ ] Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

Please direct all correspondence concerning the above-identified application to the following address:

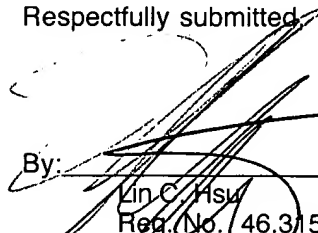
**WAGNER, MURABITO & HAO LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060  
Customer No: 45548

Respectfully submitted,

Date:

20 September 2004

By:

  
Lin C. Hsu  
Reg. No. 46,315